

Notice of Allowability

Application No.

10/780,168

Examiner

Anthony D. Stashick

Applicant(s)

JONES ET AL.

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed January 29, 2007.
2. ☒ The allowed claim(s) is/are 14-24.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ANTHONY D. STASHICK
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Election/Restrictions

1. This application is in condition for allowance except for the presence of claims 25-36 directed to inventions II and III as noted in the restriction requirement and non-elected with traverse. However, since the application is in condition for allowance, except for these withdrawn claims, claims 25-36 have been cancelled to pass the application to issues. The traversal of the claims was addressed in the Office action of June 12, 2006 and the election was made final without any further persuasive arguments proffered by the applicant.

Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance: The closest prior art reference was applicant's own patent US 6,574,887 which included the ball and socket limitations of claim 14. Applicant has since filed a terminal disclaimer, which has obviated the double patenting rejection set forth previously. Furthermore, none of the other references of record, either alone or in any proper combination, teach or disclose a ball and socket linking means linking a tongue portion to the vamp allowing the tongue to be rotated to the top or bottom side before tightening of the laces and fastening the shoe to the user's foot, thereby selecting the desired look provided by the side of the tongue chosen.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Anthony D. Stashick at telephone number 571-272-4561.

Application/Control Number: 10/780,168

Art Unit: 3781

Page 3

A handwritten signature in black ink, appearing to read 'Anthony D Stashick', written in a cursive style.

Anthony D Stashick

SPE

Art Unit 3781